

1 Judge Zilly
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,) NO. CR06-305TSZ
10 Plaintiff,)
11 v.) MOTION FOR ORDER
12 ALBERT KWOK-LEUNG KWAN,) DISMISSING INDICTMENT
13 Defendant.) WITHOUT PREJUDICE

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15 COMES NOW the United States of America and moves this court pursuant to
16 Rule 48(a) of the Federal Rules of Criminal Procedure to dismiss without prejudice, the
17 Indictment herein naming Albert Kwok-Leung Kwan, defendant.

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This motion is supported by the record which reflects on May 13, 2009, the Ninth Circuit Court of Appeals issued its mandate in connection with its decision upholding this Court's grant of the defendant's motion for a new trial. In light of that opinion, it would best serve the interests of justice to dismiss the indictment herein without prejudice.

DATED this 24th day of June, 2009.

Respectfully submitted,

JEFFREY C. SULLIVAN
United States Attorney

s/ *William H. Redkey, Jr.*

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/ Cheryl E. Walkden

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